

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

DELIVETRICK DEWON BLOCKER,	)	
	)	
<i>Petitioner,</i>	)	
v.	)	No. 1:04-cv-032
	)	<i>Edgar</i>
VIRGINIA LEWIS, Warden,	)	
	)	
<i>Respondent.</i>	)	

**JUDGMENT**

For the reasons expressed in the Court's memorandum filed herewith, it is hereby  
**ORDERED AND ADJUDGED:**

- (1) Petitioner's motion to amend is **GRANTED** [Court File No. 10];
- (2) Petitioner's motions for appointment of counsel [Court File Nos. 11, 14] and motions for evidentiary hearing [Court File Nos. 12, 15] are **DENIED as MOOT**;
- (3) Petitioner's motion for enlargement of time to respond to respondent's motion to dismiss [Court File No.13] is **DENIED** as untimely.
- (4) The petition [Court File No. 3] of Delivetrick Dewon Blocker ("Blocker") for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED**; and
- (5) The respondent's motion to dismiss and for summary judgment [Court File No. 7] is **GRANTED**.

In addition, the Court has reviewed this case pursuant to 28 U.S.C. § 1915(a)(3) and Rule 24 of the FEDERAL RULES OF APPELLATE PROCEDURE and hereby **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, any

application by Blocker for leave to proceed *in forma pauperis* on appeal is **DENIED**. 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24.

If any appeal is taken from this action, such notice will be treated as an application for a certificate of appealability, which is hereby **DENIED** since Blocker has failed to make a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Rule 22(b) of the FEDERAL RULES OF APPELLATE PROCEDURE. In addition, Blocker has failed to demonstrate reasonable jurists would find the Court's assessment of his claims as not meriting § 2254 relief debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

ENTER this 23rd day of May, 2005.

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*/s/ R. Allan Edgar*  
R. ALLAN EDGAR  
CHIEF UNITED STATES DISTRICT JUDGE